

REMARKS

I. STATUS OF THE CLAIMS

Claims 1-27 are currently pending.

II. REJECTION OF CLAIMS 1-27 UNDER 35 USC 112, SECOND PARAGRAPH

From the Examiner comments in the outstanding Office Action, it appears that the Examiner requires that the claims be amended to recite the "support 5" disclosed in the application. The Examiner appears to reason that the "stacking conveyor" (as recited, for example, in claim 1) would not be able to stack packets "in a standing up configuration" without the support 5.

It is respectfully submitted that the claims recite the operation of the various elements in sufficient detail to distinguish over the prior art, and to clearly define the recited element. For example, claim 1 clearly recites the operation of the stacking conveyor of conveying packets so that the conveyed packets become stacked together in a standing up configuration. It is respectfully submitted that it is not necessary to recite every component that might form an embodiment of the stacking conveyor.

Moreover, the present invention is directed to the combination of elements as recited in the claims. For example, the present invention as recited in claim 1 is directed to the combination of a stacking conveyor and gripping members in the specific manner recited in claim 1. It is respectfully submitted that it is not necessary to recite "support 5" to define the claimed invention.

* * *

Claims 8 and 22 recite that the packets are pillow-type bags. The Examiner asserts that these claims are not proper, since the packets are not part of the claimed invention.

In response, it is respectfully submitted that the present invention as recited, for example, in claims 8 and 22, is directed to conveying packets and gripping an array of packets. By reciting the packets as pillow-type bags, claims 8 and 22 further define the operation of the claimed invention of conveying pillow-type bags and gripping and array of pillow-type bags. Therefore, it is respectfully submitted that claims 8 and 22 are proper.

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In view of the above, it is respectfully requested that the rejection be withdrawn.

III. REJECTION OF CLAIMS 1, 2, 5-9, 12-17 AND 25 UNDER 35 USC 102(B)
AS BEING ANTICIPATED BY KOEHLER (US PATENT NO. 6,182,814)

Claim 1 recites that the first and second gripping members carry the gripped array via gripping force between the first and second gripping members. See, for example, paragraphs [0030], [0036] and [0044] of the specification.

In Koehler, a stop finger 70 is inserted before each slug of items to partition slugs and to prevent slugs from moving too fast. A pushing finger 80 is inserted after each slug to push the slug. See, for example column 1, lines 41-54, of Koehler.

Pushing finger 80 will move the slugs out of vacuum chamber 60. However, when exiting vacuum chamber 60, stop finger 70 is withdrawn and replaced with lead finger 90. See, for example, column 3, line 64, through column 4, line 5, of Koehler.

In the Office Action, the Examiner asserts that (a) pushing finger 80 in Koehler corresponds to the "first gripping member" as recited, for example, in claim 1; and that (b) stop finger 70 and lead finger 90 in Koehler each correspond to the "second gripping member" as recited, for example, in claim 1. Generally, the Examiner asserts that, in Koehler, push finger 80 operates with stop finger 70, and also operates with lead finger 90, to "carry" the slugs via gripping force between the fingers.

However, it is respectfully submitted that the fingers of Koehler do not carry a slug via gripping force between the fingers. Instead, the fingers in Koehler simply push or slide the slugs along support rails 50. See, for example, column 4, lines 1-4, of Koehler. See also FIG. 1 of Koehler, which clearly shows slugs 44 being pushed or slid along rails 50.

It is respectfully submitted that no portion of Koehler discloses or suggests that the fingers of Koehler lift the slugs 44 off of rails 50 via gripping force between the fingers, or in any way "carry" the slugs via gripping force between the fingers.

Moreover, it is respectfully submitted that no portion of Koehler discloses or suggest that the fingers of Koehler can provide sufficient gripping force to allow the slugs to be carried.

In view of the above, it is respectfully submitted that the rejection is overcome.

IV. REJECTION OF CLAIMS 3, 4, 18-24, 26 AND 27 UNDER 35 USC 103
AS BEING UNPATENTABLE OVER KOEHLER

The comments in Section III, above, for distinguishing over Koehler, also apply here, where appropriate.

In view of the above, it is respectfully submitted that the rejection is overcome.

V. CONCLUSION

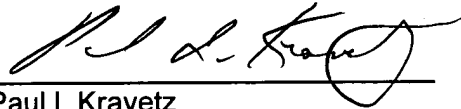
In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any further fees are required in connection with the filing of this response, please charge such fees to our Deposit Account No. 19-3935.

Respectfully submitted,

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